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INTELLECTUAL PROPERTY DEPT.  
DEWITT ROSS & STEVENS SC  
2 EAST MIFFLIN STREET  
SUITE 600  
MADISON, WI 53703-2865

MAILED  
NOV 01 2010  
OFFICE OF PETITIONS

In re Application of  
Donald J. Mischo  
Application No. 09/838,045  
Filed: April 18, 2001  
Attorney Docket No. 11501.012

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 26, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 9, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 10, 2007. A Notice of Abandonment was mailed March 24, 2008.

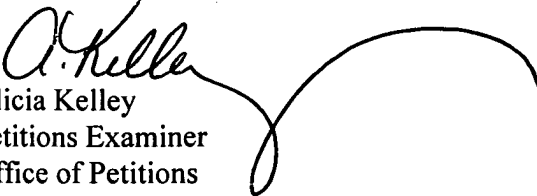
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Further, the Power of Attorney filed June 2, 2010, is hereby accepted and made of record. The Notice of Acceptance of Power of Attorney is enclosed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center 3653 for further examination on the merits

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions

Enclosed: Notice of Acceptance of Power of Attorney



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/838,045	04/18/2001	Donald J. Mischo	

25005  
Intellectual Property Dept.  
Dewitt Ross & Stevens SC  
2 East Mifflin Street  
Suite 600  
Madison, WI 53703-2865

**CONFIRMATION NO. 2957**  
**POA ACCEPTANCE LETTER**



Date Mailed: 10/26/2010

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 06/02/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101